

# Civil Rights Corrective Action Plan

December 2011



**Metro**

Civil Rights Programs Compliance

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## **1. Introduction**

The Title VI Compliance Review focused on Metro's compliance with the General Reporting Requirements and Guidelines and the Program Specific Requirements and Guidelines for Recipients Serving Large Urbanized Area. The consultants who completed this review on behalf of the FTA found deficiencies in five of the twelve applicable requirements of the Title VI circular.

This corrective action plan addresses each of the deficiencies. Attachment #1 provides a schedule for completion of each of the tasks identified in this plan. With the exception of deficiencies related to Limited English Proficiency (LEP) and the Language Assistance Plan (LAP), all items should be rectified by end of the Metro fiscal year on June 30, 2012. All items related to LEP are proposed to be completed by the end of the calendar year, 2012. Monitoring of service changes, performance standards and LEP/LAP monitoring will continue into the future.

## **2. Notice to Beneficiaries**

As noted in the cover letter there are a number of inconsistencies in the review document that makes it unclear what the deficiencies are, and what actions need to be completed.

As of Monday, December 5, 2012 Metro has rewritten the Notice to Beneficiaries and a copy of the proposed notice is included as attachment #2. Upon approval of the FTA a decal will be produced and this notice will be posted throughout the system. This will be a temporary notice pending the completion of the Four Factor Analysis to determine into which languages the notice should be translated. The notice will also be provided in various other documents produced by Metro.

The final multilingual notice will be posted as a permanent sign and where required will be available in alternate formats required by the ADA including Braille and tactile lettering. Metro proposes to begin posting the permanent signage by mid November, 2012.

As an interim step prior to completion of the Four Factor Analysis a single sentence will be translated into each of ten languages. The sentence will direct inquiries to a telephone number where an oral translation service for each of the languages listed will be available.

Metro shall complete posting of the notice on all buses, trains and stations within four weeks of receiving approval of the notice from the FTA.

### **3. Limited English Proficiency**

Metro will prepare a Four Factor Analysis for Limited English Proficiency following the FTA guidance and rectify the deficiencies noted in the Compliance Review Report. It is proposed to complete the Four Factor Analysis by Sept 30, 2012. Factor 1 will be completed by Metro staff, and a consultant will be hired to assist in the completion of Factors 2, 3 and 4. Upon completion of the Four Factor Analysis, Metro will begin work on developing a Language Assistance Plan. The Language Assistance Plan is proposed to be completed by December 31, 2012. Monitoring of the Plan will begin on January 1, 2013. Interim reports will be provided to the FTA at the conclusion of each Factor as shown below.

**a) Factor 1: Identify LEP Persons in the Metro Service Area**

To analyze the LEP population in the Metro Service Area, which includes 9.6 million people and 1,433 square miles of Los Angeles County, the latest 3 year American Community Survey (2006-2008) will be used as the primary base data for this analysis. Metro will complement the ACS data from other sources such as English Language Learner data by language and school district within Metro's service area. Metro will utilize Geographic Information Systems (GIS) mapping technology to identify where the different language groups predominate.

Factor 1 will identify the total number or proportion of LEP persons in the service area and identify the percentage of the top ten primary languages spoken in Los Angeles County including English. Additional languages with 1,000 or more LEP persons will be identified. Based on the criteria provided by the U.S. Department of Transportation (DOT) LEP Guidelines, Metro will identify the language groups that fall within its service area and document the analysis for Factor 1. Expected completion Feb 29, 2012

**b) Factor 2: The Frequency of Contacts with LEP Individuals.**

Metro and its consultant team will:

- Seek information from community-based organizations that are located in areas with high proportions of LEP persons.
- Establish partnerships/collaboration and work closely with community-based organizations that serve LEP populations; contact community-based organizations that Metro has worked with in the past.
- Conduct face-to-face meetings or conduct a survey of LEP persons.
- Collect data on LEP persons seeking language assistance through Language Line.

- Collect data on the frequency and language used by LEP persons for ticket/pass purchases at the Metro Customer Service offices.
- Collect data on the frequency, language and type of contacts by LEP persons with the Transit Information Center and Customer Service, and the freeway call box service.
- Collect Los Angeles Metro Protective Services data on the frequency, language and type of contacts by LEP persons.
- Obtain records on the number of annual website page views in languages other than English.
- Survey and collect data from Transportation Supervisors, and Freeway Patrol Supervisors to determine the frequency of contact with LEP persons, as well as the languages spoken.
- Collect data from Transit Court records on the frequency of appearances by LEP persons and the need for translation services.

Metro will provide documentation that identifies the frequency of contact and language of LEP persons with Metro services. Metro will provide a list of organizations serving the LEP population. Expected Completion June 30, 2012

**c) Factor 3: Assessing the Importance of Metro's Programs, Activities, or Services.**

Metro and its consultant team will:

- Identify Metro's critical services or activities.
- With the assistance of community-based organizations that serve the LEP populations, discuss the importance of Metro's critical services or activities with their members and identify any additional critical services. Discussions may include:
  - Experiences with Metro's fares fare collection system.
  - Safety/security issues.
  - Awareness of prohibited activities.
  - Awareness of and use of Metro's language assistance services.
  - Suggestions to make riding Metro easier.
- Prepare a summary and evaluation of comments.

Metro will provide a summary of discussions with and evaluation of comments by community-based organizations that serve the LEP population. Expected completion by August 30, 2012.

**d) Factor 4: The Resources Available to Metro and the Costs.**

Metro and its consultant team will:

- Create an inventory of language assistance measures currently provided, along with the associated costs.
- Determine what additional services are needed to provide meaningful access to LEP persons.
- Analyze costs for each department with LEP responsibilities.
- Utilize cost-effective practices, such as the following, for providing language services:
  - Develop a standard to identify the availability of Metro employees who accurately speak or write another language including sign language to accommodate members of the LEP population.
  - Research with various community-based organizations to secure volunteers for translation and interpreter services (Note: As with all interpreters, community volunteers should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules).
  - Centralizing telephone and written translation services, such as the Language Line, to secure the most cost-effective rates.

An inventory of current language assistance measures and additional language service required. Expected completion by September 30, 2012

**e) Prepare Language Assistance Plan**

A Language Assistance Plan to guide what services, signs and documents will be prepared in which foreign languages based on the results of the 4 Factor Analysis. It will also guide what training will be provided and identify what training materials will need to be produced. It will include the following components:

- Determination which Metro documents meet the definition of “vital documents”; stay up-to-date of new documents that may be considered “vital”. Determine if written translation or oral interpretation is necessary, and/or if there are other alternatives to translation.

- Translate Metro's Civil Rights complaint procedure and form in multiple languages.
- A plan for vital signage and design pictograms with community input that indicates prohibited behavior in areas of high LEP concentration.
- Competency standards for interpreters and translators.
- Determination if a particular "non-vital" document needs to be translated and in what languages.
- Internal guidance on LEP customer interaction procedures.
- Revised staff manuals to incorporate LEP Plan and interactive procedures.
- A plan for customer assistance including telephone and web services in foreign languages.
- Guidelines for public outreach meetings in LEP communities
- LEP materials and procedures for Freeway Service Patrol and Freeway Call Box services
- Other language programs and services that are identified as desirable, necessary and affordable based on the 4 Factor Analysis.

A Language Assistance Plan will be prepared. Expected completion is December 31, 2012

#### **f) Monitoring and Evaluation of LEP Plan**

Provide day-to-day administration of Metro's LEP Plan, ensuring compliance and correct implementation.

- Seek feedback from LEP communities, including customers and community-based organizations, about the effectiveness of Metro's LEP Plan.
- Establish a Metro procedure that requires all written translation requests be routed through and managed by a single department to ensure consistency.
- Conduct an evaluation every 3 years of Metro's LEP Plan to gauge its effectiveness and determine if updates are needed. The evaluation may include the following:
  - Assess whether existing language assistance services are meeting the needs of LEP persons.
  - Assess whether staff members understand Metro's LEP Plan, how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible.
  - Collect and analyze quantitative data on LEP services being provided and utilized. Prepare triennial monitoring report.

- Recommend changes to the language assistance program or procedures

The monitoring program will begin on January 1, 2013 and become a permanent activity of Metro.

#### **4. Vehicle Assignment and Transit Security Policy and Service Standards**

On December 15, 2011 the Board of Directors will be asked to approve a new set of five service standards and a vehicle assignment policy. The proposed new standards and policy are provided as Attachment #3. The standards cover all of the areas identified as required in the compliance review report.

At the meeting of the Board of Directors on January 26, 2012 a recommendation will be made to adopt a transit security policy. The proposed policy will confirm the existing practice of the Sheriff's Department to respond to any incident on the transit system as follows:

- Emergent – Calls requiring a code three response: ten minutes
- Priority – Calls that require an immediate response, but not a code three response: 20 minutes
- Routine – Calls of a non-priority nature that do not require a priority response from the field unit(s): 30 minutes

A copy of the proposed security policy will be provided to the FTA prior to being submitted to the Board of Directors.

#### **5. Service and Fare Equity**

Metro is moving quickly to rectify the deficiencies found in the service and fare equity program. Metro's new Department of Civil Rights Programs Compliance has found additional deficiencies that were not discovered by the compliance review consultant. Metro will rectify all service and fare equity issues regardless of who identified the deficiencies.

##### **a) A definition of major service change for Title VI analysis**

A new draft definition of a major service change for all service (Bus and Rail) has been drafted. The new major service change policy defines when a Title VI and EJ analysis must be done. The definition, together with a definition of fare changes requiring an equity analysis will be taken for public comment and feedback during December 2011 and January 2012. The first outreach meeting scheduled for December 7. It is expected to have a final major

service and fare change policy ready for consideration and approval by the Board of Directors meeting on January 27, 2011. The approved definitions will become part of the Administrative Ordinance of Metro. A copy of the draft definitions is provided as Attachment #4. The definition is in the format of the Administrative Ordinance of Metro and also includes the sections dealing with public hearings. The current ordinance links the two issues without distinguishing the difference. The new policy separates the service and fare change definition from the requirement to hold public hearings. The policy and definitions apply to all service.

**b) A service equity analysis method for both service reductions and service enhancements.**

A service equity analysis methodology applicable to both service reductions and service enhancement for bus and rail has been developed. The methodology is based on draft disparate impact and disproportionate high and adverse impact definitions. The service change methodology is provided as Attachment #5.

The service change analysis methodology includes quantitative and comparative analyses beyond GIS analysis. The analysis assesses the cumulative effect of multi-year service changes all of the service changes, and would be applied to service increases and decreases. The methodology describes how a service change that results in a disparate impact must then be put to legal test showing it was: 1) a business necessity in the public interest, or 2) the service changes implemented were the least of the worst discriminatory alternatives. The discussion will include an in depth description of mitigation for EJ and any alternatives proposed. No mitigation will be considered for Title VI issues. The methodology is now being used for all service equity analyses.

The Proposed Guidance for Title VI published by the FTA includes a provision to seek public input on the definition of Disparate Impact. Metro supports this concept. Since public outreach is underway on the Major Service Definition it was decided to include outreach on the definition of Disparate Impact. The proposed definition of Disparate Impact is included as attachment #6. The Board will be asked to approve the definition on January 27, 2012.

The Proposed Guidance for Environmental Justice (EJ) does not include a requirement to hold public outreach and set a definition for Disproportionate High and Adverse Impact. Metro believes that since both Title VI and EJ issues are going to be addressed in the same equity analysis report it is only logical to also create a definition of Disproportionate High and Adverse

Impact. Therefore the public outreach process now underway will provide an opportunity for the public to comment on a proposed definition. The proposed definition is included as Attachment #7.

**c) Service Equity for 2010/2011 Service Changes**

Metro staff will request that the Board of Directors review the results of the equity analysis of recent service changes that found disparate impacts. The Board will then be asked to make a finding to show that the changes were a business necessity in the public interest, or that the service changes implemented were the least, of the worst discriminatory alternatives.

Metro understands that the analysis for the equity analysis of the recent service changes was prepared using a flawed methodology and may not present an accurate picture of the disparate impacts and disproportionate high and adverse impacts created by the service changes. Consequently, Metro will redo the equity analysis using the new methodology described in 5(b) and the new definitions of disparate impact and disproportionate high and adverse impact and verify the extent of impacts. If the results of the new methodology indicate that the disparate impacts are greater than those identified in the original work, a further finding on the business necessity or alternatives will be made. If the new equity analysis shows that disparate impacts are less than in the original report, no further action will be required.

A finding based on the earlier equity study and the results of the new equity study would be presented to the Board of Directors at their meeting in March 2012. Copies of the technical work would be provided to the FTA in advance of their release to the public, and allow time for comment.

As an alternative to the above methodology, Metro requests FTA consider the option of having the Board of Directors take action to rescind the earlier equity report and then accept the new report. The Board could then make the finding if disparate impacts are found in the new analysis.

**d) A service equity analysis of capital expansions, including both service reductions and service enhancements for rail.**

A new methodology for the preparation of service equity (Title VI only) analyses for major capital projects has been prepared, and is included as Attachment #8. The methodology includes a requirement for a response to the legal test if the analysis finds a disparate impact.

The service equity analysis of capital expansion projects will be prepared for the following projects now in the planning stages:

- Crenshaw LRT Line
- East Side LRT Phase II
- Gold Line LRT Azusa Extension
- Purple Line
- Regional Connector
- Expo II
- Green Line South Bay Extension

Metro anticipates completing the equity analysis for Crenshaw, Regional Connector and Purple Line by June 30, 2011. Each of the other lines will be completed as they approach the Full Funding Agreement or Preliminary Engineering stage. The FTA will be provided with a copy of each of the reports in advance of the public release. Each report will be presented to the Board of Directors for discussion.

Metro understands that a service equity analysis is also required for the Expo LRT Phase I line and the Orange Line BRT Extension. An equity analysis based on actual planned service and including both Title VI and EJ considerations will be completed prior to the lines opening using the methodology for service equity described in 5(b) above. The Expo Phase 1 Equity Analysis shall be completed and presented at the February 23, 2012 Board meeting. The FTA will be provided a copy of the report in advance of public release and allow time for comment.

**e) A Title VI fare equity analysis method.**

A fare equity analysis methodology encompassing the requirements of both Title VI and EJ has been developed and is provided as Attachment #9. This methodology is now being used by Metro. The methodology will be amended if changes are made to the definitions of disparate impact and disproportionate high and adverse impact now being reviewed with the service councils and public.

**f) Title VI fare analysis on the discrepancies identified in FY 2009 and FY 2011.**

A new fare equity analysis (Title VI and EJ) will be prepared to rectify the deficiencies found by the Compliance Review Consultant with the previous work. The entire study will be redone using the new methodology described in 5(d) above. This new report will be presented to the Board of Directors at their April, 2012 meeting. A copy will be provided to the FTA before it is released to the public and allow time for comment.

**g) Title VI fare change analysis other fare changes.**

New fare equity studies will be prepared for all recent fare changes implemented that are not covered by the redo of the earlier fare equity report covered above in 5(e). This report shall include an analysis of the following fare changes:

- Implementation of the Tap Card fee
- Conversion of Weekly pass to 7 Day Pass,
- Conversion of calendar monthly pass to 30 Day Pass
- Reduction in Adult Day Pass from \$6.00 to \$5.00
- Silver Line fare increase
- Potential replacement of tokens

These equity studies are planned to be presented to the Board of Directors at their meeting in April 2012. Copies of the reports will be provided to the FTA in advance of their release to the public and to provide time for comment.

## **6. Service Monitoring**

### **a) Response to Previous Survey Results**

In order to respond to the disparate impacts identified in the last monitoring survey Metro will develop a marketing campaign to build awareness of service improvements among riders throughout LA County. The campaign will focus on topics including, but not limited to, improved on time performance, improved reliability and improved frequencies. The campaign will address all 17 subject areas identified as having a disparate impact in the last monitoring survey.

Elements of the campaign will include advertising in more than 90 community newspapers throughout the county, advertising in 8 languages in addition to English, online advertising on key websites, posters on board Metro buses and trains, and 800 king ads on the exteriors of Metro buses and trains. The campaign will be designed in January and February 2012 and will be planned for a launch in the late spring of 2012. The campaign will run through to the end of 2013.

### **b) New Monitoring Program**

A civil rights service monitoring process will be implemented in January 2012. Monitoring reports will be produced quarterly for each of the service standards approved in December 2011. This standard exceeds the annual reporting recommended by the Compliance Review consultant. The route descriptor will include whether or not the route meets the criteria for either Title VI or Environmental Justice or both. This will allow Metro to understand whether service is being provided equitably across the region and take any corrective

actions that are desirable. By reporting quarterly the monitoring program will be able to identify on the impact of the frequent service changes that occur in the Metro system. Copies of the monitoring report will be provided to the FTA for each quarter in calendar year 2012. It is the intent of Metro to post the results of the monitoring program on the internet using some type of dashboard presentation that will be developed by the second quarter of calendar year 2012.

The quarterly report will also evaluate the response time to security incidents. A sample of the currently monthly response time reporting is provided as Attachment #10. This report will be modified by second quarter of the year to include information on the geographic distribution of the response times in order to ensure that the standards are being met in all communities. A new report will be developed to evaluate the assignment of vehicles by division in order to ensure that the policy to be adopted in December 2011 is being met. This monitoring program will also become available in the second quarter of 2011.

## 7. Other Actions

The Chief Executive Officer, Art Leahy will ensure that all staff is aware of their responsibilities for compliance with Title VI of the Civil Rights Act of 1964 and the Executive Orders on Environmental Justice and Limited English Proficiency. He will also establish that the Department of Civil Rights Program Compliance in the CEO's office is the lead department responsible for identifying, disseminating and providing the specific requirements to the departments responsible for implementation, and provide oversight authority to ensure the requirements are met. This information will be communicated throughout the agency by personal meetings, assemblies and distribution channels such as the CEO Daily Briefing. Sufficient resources will be provided to this department to ensure that full compliance is achieved within 12 months and Metro continues to meet and exceed expectations on civil rights.

Metro will move beyond the FTA directives in additional areas including, but not limited to:

- Strengthening and clarifying designations of responsibility for civil rights;
- Increasing training for employees and consultants involved in civil rights; and
- Reviewing performance of employees and consultants involved in civil rights work for Metro.

Metro looks forward to working closely with FTA over the next twelve months to implement this Corrective Action Plan. It is understood that biweekly conference calls will be necessary. Metro commits that within 12months we will be fully

compliant with all civil rights regulations and guidance and serve as a model for the industry.

## Metro Civil Rights Compliance Schedule for FTA Corrective Action Plan

Task	Two Week Period Ending																												
	2-Dec-11	16-Dec-11	30-Dec-11	13-Jan-12	27-Jan-12	10-Feb-12	24-Feb-12	9-Mar-12	23-Mar-12	6-Apr-12	20-Apr-12	4-May-12	18-May-12	1-Jun-12	15-Jun-12	29-Jun-12	13-Jul-12	27-Jul-12	10-Aug-12	24-Aug-12	7-Sep-12	21-Sep-12	5-Oct-12	19-Oct-12	2-Nov-12	16-Nov-12	30-Nov-12	14-Dec-12	28-Dec-12
1 Create definition of a major service changes Change																													
2 Create service and fare equity analysis methodologies																													
3 Prepare service equity report for 2010 and 2011 service changes																													
4 Prepare fare equity analysis for 2009-2011 fare changes																													
5 Prepare Title VI equity analysis of capital expansion program																													
6 Complete a 4 factor analysis for language needs																													
7 Prepare an updated language assistance plan (LAP)																													
8 Prepare a revised Notice to Beneficiaries & post appropriately																													
9 Translate Notice to Beneficiaries to comply with LAP																													
10 Monitor and Evaluate LEP/LAP																													
11 Develop service standards & vehicle assignment policy																													
12 Develop service policies for security																													
13 Address significant disparities in Customer Satisfaction Survey																													
14 Develop an improved process for monitoring transit service																													
15 Monitor Service for Civil Rights																													

Operations Planning and Scheduling Lead   
 Communications Lead   
 Countywide Planning Lead   
 Civil Rights Progams Compliance Lead 

## Notice to Beneficiaries

### Metro Notice of Civil Rights

Los Angeles County Metropolitan Transportation Authority (Metro) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. In addition to Title VI, Metro also prohibits discrimination based on sex, age or disability. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Metro.

For more information on Metro's civil rights program, and the procedures to file a complaint:



213.922.4845



California Relay 711



[CustomerRelations@metro.net](mailto:CustomerRelations@metro.net)



[metro.net/civilrights](http://metro.net/civilrights)



Customer Relations Office  
One Gateway Plaza, PL-99-4  
Los Angeles, CA 90012-2952

To request information about civil rights in another language, contact 213.922.4845.

Հայուսացիական իրավունքների մասին հայերեն [Եղիլու] (Armenian) տեղեկություններ ստուգապահ հանձնարարության 213.922.4845 հեռախոսահամարով:

ជំនួយភ្លាស់ក្នុងពេទ្យលេខោតិចសម្រាប់ក្រុងបណ្តុះបណ្តាល (Cambodian)  
លេខាគរណី 213.922.4845។

若要取得關於公民權利的中文 (Chinese) 資訊，  
請聯絡 213.922.4845。

市民権について、日本語での (Japanese) 情報をお望みの方は213.922.4845へお電話ください。

민권에 관한 정보를 한국어(Korean)로 신청하시려면,  
213.922.4845으로 전화하시기 바랍니다.

Для получения информации о гражданских правах на русском языке (Russian), позвоните по телефону 213.922.4845.

Para solicitar información sobre los derechos civiles en español (Spanish), llame al 213.922.4845.

Upang humiling ng impormasyon tungkol sa mga karapatang sibil sa Tagalog (Tagalog), tumawag sa 213.922.4845.

หากต้องการข้อมูลเกี่ยวกับสิทธิเที่ยวนุญาตเป็นภาษาไทย (Thai)  
กรุณาติดต่อ 213.922.4845

Để yêu cầu cung cấp thông tin về dân quyền bằng tiếng Việt (Vietnamese), vui lòng liên lạc 213.922.4845.

**SYSTEM SAFETY AND OPERATIONS COMMITTEE  
NOVEMBER 17, 2011**

**SUBJECT: UPDATE METRO SERVICE STANDARDS AND POLICIES**

**ACTION: ADOPT PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**RECOMMENDATION**

Adopt the proposed Metro service standards and policies in Attachment 1 that support Metro's commitment to providing quality service to its patrons.

**ISSUE**

Metro's service planning guidelines should be strengthened by adopting specific standards and policies that assert minimum levels of performance for the delivery of transit services.

**BACKGROUND**

The Board of Directors adopted an updated Transit Service Policy in March 2011. This document contains a number of Service Design Guidelines that describe typical attributes for each type of service which are used to guide service planning and scheduling actions. To more comprehensively provide direction for service planning, these guidelines should be enhanced to:

- Specify minimum levels of performance in all key areas;
- Ensure all service standards address all modes.

The proposed Metro service standards and policies will provide a commitment to specific service quality objectives that are comprehensive (span all service types), and clearly stated. These standards and policies may be expanded to include additional service attributes through future policy updates.

**POLICY IMPLICATIONS**

The recommended standards and policies support the commitment to providing quality transit service to Metro's patrons.

## **FINANCIAL IMPACT**

The cost of the recommended standards and policies is to be determined through subsequent monitoring of route level attainment of the specified performance targets. In any event, the overall cost impact is expected to be significantly less than one percent of the Bus and Rail Operating Budget. Funding will be requested in future budgets, as appropriate.

## **DISCUSSION**

This report recommends five service standards and two service policies for Board adoption. Additional standards and policies may be recommended at a later time. The initial service standards include:

- Passenger Loading
- Headways
- On-Time Performance
- Stop Spacing
- Accessibility

The recommended policies address Passenger Amenities and Vehicle Assignment. The Passenger Loading and Accessibility standards were previously approved by the Board of Directors with the adoption of the Transit Service Policy document. A revision of the Passenger Loading standard to address the freeway portion of Express bus operation is proposed. The remainder of the recommended standards and policies have not previously been formally adopted by the Board of Directors, although guidelines for some of them are included in the Transit Service Policy document. A discussion of the derivation of the proposed standards and policies is provided in Attachment 1 with the presentation of each set of performance thresholds.

## **NEXT STEPS**

Staff will carry out an assessment of attainment status at the route level and report back to the Board of Directors within 90 days identifying actions needed to meet standards. The financial impacts of attainment on future year budgets will also be identified. The adopted standards and policies will be incorporated into the next update of the Transit Service Policies anticipated to occur in the spring of 2012.

## **ATTACHMENTS**

1. Proposed Metro Service Standards

Prepared by: Dana Woodbury, Manager of Strategic Service Planning  
Conan Cheung, DEO of Service Planning & Development



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**Lonnie Mitchell**  
Chief Operations Officer

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**Arthur Leahy**  
Chief Executive Officer

**ATTACHMENT 1**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Passenger Loading**

This standard ensures that sufficient service capacity is operated to ensure that the maximum average passengers per seat during any one hour period does not exceed the indicated value by mode, line and time period. Off-Peak includes weekends.

	Peak Psgrs/sea t	Off-Peak Psgrs/sea t
Heavy Rail	2.30	2.30
Light Rail	1.75	1.75
BRT	1.30	1.30
Rapid	1.30	1.30
Express*	1.30	1.30
Limited	1.30	1.30
Local	1.30	1.30
Shuttle	1.30	1.30

\* For the freeway portion of Express operation the standard is 1.00 passengers/seat.

**Derivation:** This standard has been adopted by the Board of Directors (March 2011) with the exception of the proposed revision to the freeway portion of Express routes. Though this revision will reduce the productivity of Express routes, it will improve passenger safety. Some added revenue hours (to be determined) will be needed.

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Headways**

This standard ensures that the scheduled gap (in minutes) between vehicles on a line does not exceed the indicated value by time period. Off-Peak includes weekends. Actual headways would be determined by demand within the recommended limits.

	Peak	Off-Peak
Heavy Rail	10	20
Light Rail	12	20
BRT	12	30
Rapid	20	30
Express	60	60
Limited	30	60
Local	60	60
Shuttle	60	60

**Derivation:** The rail headways are almost the same as the recommended maximum headways in the Transit Service Policy except that the Light Rail maximum peak headway standard is proposed to be increased from 10 minutes to 12 minutes to permit less frequent operation of an initially shorter than planned Expo Phase 1.

There is no current standard for BRT which is proposed to be similar to Light Rail except with wider spacing in less travelled hours. The current adopted policy headway for Rapid Bus is 20 minutes at all times, but experience has shown that somewhat wider headways are more appropriate to lower demand in some corridors during evenings and weekends.

All remaining bus service types are proposed to operate no less often than every 60 minutes which will require additional service on a small number of routes. The Limited peak period standard is proposed to be more frequent because the service should not even be offered in corridors without frequent underlying local service (current guidance in the Transit Service Policy indicates that Limited service should only be offered in corridors where the pre-existing Local service operates at least every 10 minutes).

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**On-Time Performance**

This standard ensures a high level of service reliability. On-Time is defined as no more than one minute early or five minutes late. The standard would be applied to each bus and rail line. For bus lines performance is measured at all time points. For rail lines performance is measured at terminal arrival.

Heavy Rail	95%
Light Rail	90%
BRT	85%
Rapid	85%
Express	85%
Limited	85%
Local	85%
Shuttle	85%

**Derivation:** This is a service quality initiative for the bus system in the most recent Metro Budget. While annual goals for on-time performance of bus service have been established in recent years, no adopted standard exists. Historically, Metro has never established objectives for on-time rail operation.

The proposed standard for bus operation is higher than current system attainment as improvement is ongoing. The proposed rail standards are higher than bus because some (light rail) or all (heavy rail) of each line is along grade-separated guideway permitting more reliable operation. A monitoring program for bus on-time performance has been maintained for several years, but is under development for rail operation.

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Stop Spacing**

This standard ensures a high level of service availability as appropriate for each mode. The standard is expressed as the maximum average stop (or station) spacing per mile by line.

Heavy Rail	1.50
Light Rail	1.50
BRT	1.25
Rapid	0.80
Express	1.25
Limited	0.60
Local	0.25
Shuttle	0.25

**Derivation:** The adopted Transit Service Policy provides guidelines for average stop spacing by type of bus service, and no guidance for rail station spacing. The adopted Rapid Bus warrants for new service require a stop spacing of at least 0.7 mile. While average stop spacing is frequently much less than the proposed standards, the standards are intended to ensure that a minimum level of accessibility is achieved for each service type by establishing an upper limit on stop spacing.

Industry guidance suggests that passengers will walk up to 0.25 mile to access bus service, and up to 0.50 mile to access rail. Because local and shuttle bus services should be readily available to as many people as possible, the proposed standard of no more than 0.25 mile between stops maximizes access within an approximate 0.50 mile corridor surrounding each bus line.

By their nature, Limited and Rapid bus services achieve their speed advantage largely through serving fewer stops. Existing guidelines in the Transit Service Policy suggest an average spacing of 0.50 mile for Limited service and 0.7 mile for Rapid operation. The proposed standards for these services encompass the recommended average stop spacing while ensuring that access is provided to a significant portion of corridor patrons.

Express and BRT services achieve the highest bus speeds through even greater stop spacing. In the case of Express service, longer freeway gaps between stops are offset by more frequent stops along the local service (collection/distribution) portion of such routes. Rail station spacing is even greater to allow high speed operation for large

numbers of passengers. Rail stations require an adequate system of feeder bus services to ensure that high volumes of patrons have access to the service.

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Accessibility**

This is a system level standard to ensure that virtually all residents have access to the fixed route transit system.

*Service is to be provided within one quarter mile of 99% of Census tracts within Metro's service area having at least 3 households per acre and/or at least 4 jobs per acre. Fixed route service provided by other operators may be used to meet this standard.*

**Derivation:** This is a current objective of Metro's Performance Measurement Program. The use of other operators' services to meet this standard is to minimize duplication of effort because Metro's service area includes the protected service areas of several other fixed route operators.

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Passenger Amenities**

This policy establishes a commitment to the provision of specified passenger amenities at all rail stations and major off-street bus facilities that are owned by Metro and permit passenger boardings.

*The following passenger amenities will be provided at all rail and major off-street bus passenger facilities that are controlled by Metro:*

<i>Shelters:</i>	<i>Heavy Rail: not applicable</i>
	<i>Light Rail: at least 80 linear feet of protective canopy</i>
	<i>Bus: at least 6 linear feet of protective canopy per bay</i>
<i>Seating:</i>	<i>Heavy Rail: seating for at least 12 passengers</i>
	<i>Light Rail: seating for at least 10 passengers</i>
	<i>Bus: seating for at least 3 passengers per bay</i>
<i>Display Cases:</i>	<i>Heavy Rail: at least 12 informational displays</i>
	<i>Light Rail: at least 10 informational displays</i>
	<i>Bus: at least 3 informational displays</i>
<i>LED Displays:</i>	<i>Heavy Rail: at least 8 arrival/departure screens</i>
	<i>Light Rail: not applicable</i>
	<i>Bus: not applicable</i>
<i>TVM's:</i>	<i>Heavy Rail: at least 2</i>
	<i>Light Rail: at least 2</i>
	<i>Bus: not applicable</i>
<i>Elevators:</i>	<i>Heavy Rail: at least 2</i>
	<i>Light Rail: at least 1 for elevated/underground stations</i>
	<i>Bus: at least 1 for multi-level terminals</i>
<i>Escalators:</i>	<i>Heavy Rail: at least 4 (2 up/2 down)</i>
	<i>Light Rail: not applicable</i>
	<i>Bus: not applicable</i>
<i>Waste Receptacles:</i>	<i>Heavy Rail: at least 6</i>
	<i>Light Rail: at least 2</i>
	<i>Bus: at least 1 for every 3 bays/at least 2 per facility</i>

**Derivation:** Metro has no current policy or guidelines for the level of passenger amenities to be provided at its facilities. Each rail project has had its own design guidelines, and each bus facility has been built with individualized project requirements. The proposed policy is a starting point addressing a minimal set of essential features with the recommended quantities chosen to ensure consistency across the system.

**ATTACHMENT 1 (cont.)**  
**PROPOSED METRO SERVICE STANDARDS AND POLICIES**

**Vehicle Assignment**

This policy establishes the basis for assigning vehicles to individual operating facilities to achieve a cost efficient and high quality operating and maintenance environment.

*The following policies will be followed for assigning vehicles to facilities:*

<i>Heavy Rail:</i>	<i>Not applicable – only one line and one vehicle type</i>
<i>Light Rail:</i>	<i>Vehicles will be assigned to individual lines on the basis of compatibility of vehicle controllers with each line's signal system. The number of vehicle types/manufacturers will be kept to no more than two at any facility to minimize parts storage and maximize maintenance expertise.</i>
<i>Bus:</i>	<i>Vehicles will be assigned to individual facilities on the basis of vehicle size requirements for lines supported by each facility.</i>

**Derivation:** There is no current adopted policy for vehicle assignment. The proposed policy will ensure a consistent basis for assigning vehicles to facilities that meets operating needs at minimal cost and improved quality of service.

## 2-50-010 Major Service Changes

- A. All major increases or decreases in transit service are subject to a Title VI Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis completed for a major service change must be presented to the Board of Directors for their consideration and then forwarded to the FTA with a record of the action taken by the Board.
- B. A major service change is defined as any service change meeting at least one of the following criteria:
1. A revision to an existing transit route that increases or decreases the revenue miles operated by the lesser of 25%, or by 250,000 revenue service miles cumulatively over any consecutive 24 month period
  2. A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 revenue service hours cumulatively over any consecutive 24 month period;
  3. A change of more than 25% over any consecutive 24 month period in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off street bus terminal serving at least 4 bus routes;
  4. The implementation of a new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles;
  5. During the planning and programming stage of any new guideway project (e.g. BRT line or rail line) or off an street transit station serving at least four routes and resulting in route adjustments.
- C. Experimental or emergency service changes may be instituted for 180 days or less without a Title IV Equity Analysis being completed and considered by the Board of Directors. If the service is required to be operated beyond 180 days the Title VI Equity Analysis must be completed and considered by the Board of Directors within 270 days of the start of the service.
- D. A Title VI Equity Analysis shall not be required if a Metro transit service is replaced by a different mode or operator providing a service with the same headways, fare, transfer options, span of service and stops.

## **2-50-15 Fare Changes**

- A. A Fare Equity Analysis shall be prepared for any fare change (increase or decrease). This includes, but is not limited to permanent fare changes, temporary changes, promotional fare changes and pilot fare programs. This includes fares not available to the general public such as special discount programs for students, groups or employers. An Equity Analysis is not required for changes to fares set at levels to comply with FTA requirements (Off peak fares for seniors, persons with disabilities, and Medi-care card holders).
- B. The fare Equity Analysis shall not be limited to an analysis of changes in price of fare products, but will also consider changes in fare media types, or availability of outlets to purchase fare media products.
- C. The Title VI Fare Equity Analysis shall be completed and presented for consideration of the Board of Directors in advance of the approval of the proposed fare or fare media change by the Board of Directors. The Equity Analysis will then be forwarded to the FTA with a record of the action taken by the Board.

## **2-50-20 Public Hearings**

- A. A Public Hearing consistent with the procedures in 2-50-25 shall be held for changes to Metro transit services that require a Title VI Equity Analysis to be completed.
- B. A Public Hearing consistent with the procedures in 2-50-25 shall be held for changes to Metro Transit fare prices that require a Title VI Equity Analysis to be completed.

## **2-50-25 Public Hearing Procedures**

- A. Any public hearing required by section 2-50-020 shall be conducted as set forth in this section.
- B. Notice of the hearing shall be published in at least one English language and one Spanish language newspaper of general circulation, at least thirty (30) days prior to the date of the hearing. Notice at least thirty (30) days prior to the date of the hearing shall also be published in neighborhood and foreign language and ethnic newspapers as appropriate to provide notice to the members of the public most likely to be impacted by the proposed action.

C. Notice of the public hearing shall also be announced by brochures in English, Spanish and other appropriate languages on transit vehicles serving the areas to be impacted and at all customer service centers.

D. In order to ensure that the views and comments expressed by the public are taken into consideration, MTA staff shall prepare a written response to the issues raised at the public hearing. That response should also include a general assessment of the social, economic and environmental impacts of the proposed change, including any impact on energy conservation.

E. The public hearing related to a recommendation to increase transit fares charged the general public shall be held before the Board of Directors and any action taken to increase the fares charged the general public must be approved by a two-thirds vote of the members of the Board of Directors. The Board of Directors may delegate to another body or a hearing officer appointed by the Chief Executive Officer the authority to hold the public hearing related to a change in transit service.

# Title VI and Environmental Justice Equity Analysis

## Methodology for Service Changes

### 1. Introduction

This analysis will be conducted by Metro for all service changes that meet the definition of a Major Service Change as provided in the LACMTA Administrative Ordinance section 2-50-10. In order to address the mandates in Title VI of the Civil Rights Act of 1964, as well as the Environmental Justice (EJ) provisions in Presidential Executive Order 12898, the service change analysis will evaluate minority (Title VI protected classes) as well as EJ populations (persons who are either members of a minority and/or persons with incomes below 100% of the Federal Poverty Level).

### 2. Determination of Minority or EJ Status

#### 2.1 Methodologies

When assessing the impact of changes to existing routings or headways the preferred method is Methodology A, however if current and statistically valid data from surveys of riders is not available Methodology B must be used. Methodology A should be used exclusively if a proposed change includes changes to the span of service, adding or eliminating of trips, or making changes to other service characteristics. Proposals for new services with no existing ridership data must use Methodology B. A combination of methodologies may be used in the case of new services that replaces or supplant existing services.

#### 2.2 Methodology for Determining Demographic Status of Services with Route and Headway Changes

Metro will create maps to show the census tracts, or block group with the demographic characteristics of the service area affected by the proposed change. Metro will use the most recent Federal census data to prepare the maps. Separate maps will be produced showing populations protected by Title VI, and the populations defined as EJ. The determination of which census tracts or block groups are identified as minority or EJ shall be based on:

- A census tract, or block group where the percentage of the total minority population residing within the tract or zone exceeds the average minority population for the entire service area shall be deemed to be a Title VI protected census tract.
- Any census tract or block group that exceeds the average minority or low income population for the entire service area by 20% or has more than 50 percent minority and/or low income residents shall be considered an EJ census tract or block group.

The maps and analysis will include only those portions of a census tract or block group that are within  $\frac{1}{4}$  of a mile of an existing transit stop or station, or within 3 miles of a stop or station that includes park and ride facilities. Metro will overlay these demographic maps with the routing and stops/stations of the services to be increased, eliminated, or added.

A route will be considered to be a Title VI route if at least 50% of the boardings occur at stops within census tracts or block groups identified as being Title VI. A route will be considered to be an EJ route if at least 50% of the boardings occur at stops identified as being within EJ census tracts. A route may be both a Title VI route and an EJ route, only an EJ route or neither Title VI or EJ. If all stops at an intersection are not in the same census tract or block group, all of the stops shall be considered minority if at least one stop is within a minority tract or block group.

### 2.3 Method for Determining Demographic Status for Service Changes Involving Span of Service

Metro will prepare a demographic profile of the route proposed to be changed based on current and valid on board survey data. For the purposes of this calculation each Metro service is required to be classified by one of the following service types:

- Heavy Rail
- Light Rail
- Bus Rapid Transit
- Metro Rapid
- Express Bus
- Local Bus
- Shuttle Bus

If the percentage of minority riders exceeds the percentage of minority riders on the same type service for the entire service area, the service shall be considered a Title VI (minority) route. If the percentage of riders who are Minority and/or low income is greater than the percentage of minority and/or low income riders for the entire system for the same type of service or at least 50% of the ridership of the route, the service shall be considered to be an EJ (minority and/or low income) route. A route may be both a Title VI route and an EJ route.

### 2.4 Assessment

If a proposed service change is determined to impact routes that are do not have Minority or EJ ridership based on either methodology for determining demographic status no further analysis is required. A final Service Equity report can be prepared and presented to the Board of Directors for consideration. A copy of the minutes of the Board of Directors meeting where the Service Equity report was considered will be submitted to the FTA along with a copy of the report.

If a proposed service change does include a route that is categorized as Title VI or EJ an analysis must be done. The analysis will determine if there are disparate impacts as a result of changes to Title IV routes, or disproportionately high and adverse due to changes to EJ routes and any alternatives may be available for the EJ services. The methodology for this analysis is shown in Section 3, *Determine Title VI Disparate Impacts or EJ Disproportionately High and Adverse Effects*.

## 3. Determine Title VI Disparate Impacts or EJ Disproportionately High and Adverse Effects

### **3.1 Disparate Impacts on Title VI Routes**

For each proposed change the travel time (including average wait time), walking distance, and cost, should be calculated and compared with the travel time, walking distance, and cost of the existing service and alternatives. The alternatives to be considered may be other existing services or involve other service changes. Any service level change analysis shall be expressed as a percent change in tabular form. These calculations shall be completed for all proposed service changes.. Disparate impacts will be deemed to exist if results of the service change create a 20% or greater negative impact on travel time, walking distance or cost of taking a trip for Title VI routes than for services that are not Title VI routes. The results for all alternatives shall be provided in tabular format.

### **3.2 Disproportionately High and Adverse Impacts on EJ Routes**

For each proposed change the travel time (including average wait time), walking distance, and cost, should be calculated and compared with the travel time, walking distance, and cost of the existing service and alternatives. The alternatives to be considered may be other existing services or involve other service changes. Any service level change analysis shall be expressed as a percent change in tabular form. This calculation shall be completed for all proposed service changes. Disproportionately high and adverse impacts will be deemed to exist if results of the service change create a 20% or greater negative impact on travel time, walking distance or cost of taking a trip for EJ routes than for services that are not EJ routes, and there are no mitigating or offsetting benefits. If there are no comparable service changes to routes that are not EJ routes a disproportionate high and adverse effect shall be deemed to exist if there is a 20 percent or greater negative change compared to the existing service. The results for all alternatives shall be provided in tabular format.

In order to determine if there are mitigating or offsetting benefits Metro shall consider additional factors in addition to travel time, walking distance, and cost. These include improved schedule reliability, increased station or stop amenities, more seating or on board space, and fewer transfers. Where possible these additional benefits should also be quantified and presented in a percentage change format. These calculations shall be completed and provided for EJ routes only.

### **3.3 Results**

If there are no Disparate Impacts on Title VI routes, no Disproportionately High and Adverse Effects on EJ routes, for the preferred alternative no further analysis is required. A final report shall be prepared and presented for consideration to the Board of Directors. A copy of the minutes of the Board of Directors meeting where the Service Equity report was considered will be submitted to the FTA along with a copy of the report.

If there are Disparate Impacts for Title VI routes the planning process must continue to the next step.

If there are disproportionately high and adverse effects on EJ routes but there are sufficient offsetting benefits or mitigations the changes may be implemented. The proposed service changes may also proceed if it is found that further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects on EJ routes are not practicable. No further analysis or action is required for EJ routes. The conclusions regarding EJ routes can be integrated into the final report for Board consideration.

#### **4. Title VI Disparate Impacts Analysis**

An analysis will be done to select which alternative service change is recommended for implementation. The report will consider if there is a less discriminatory alternative that would still accomplish Metro's program objective. If the recommended alternative includes Disparate Impacts on Title VI routes Metro staff will determine if the change meets either of the following tests:

- 5.1 There is substantial legitimate justification for adopting the proposed service change by meeting a goal that is integral to the mission of Metro; **or**
- 5.2 The alternatives would have a more severe adverse effect on Title VI protected populations than the preferred alternative.

A final Service Equity report will be prepared and considered by the Board of Directors. A copy of the minutes of the Board of Directors meeting where the Service Equity report was considered will be submitted to the FTA along with a copy of the report.

## **Title VI Definitions and Applications**

### **1. Disparate Treatment**

#### **Definition**

Disparate Treatment refers to actions that result in circumstances where similarly situated persons are treated differently (i.e. less favorably) than others because of their race, color, or national origin.

Metro policies, practices and activities promote equal service, participation and access without regard to race, color, national origin or level of income and prohibit disparate treatment.

### **2. Title VI Disparate Impact**

#### **Definition**

Disparate Impact refers to facially neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI of the Civil Rights Act of 1964, where Metro's policy or practice lacks a substantial legitimate justification and where there exists one or more alternative(s) that have a less adverse impact on members of a group protected under Title VI.

Title VI protected classes are defined as people who belong to minorities based on race, color or national origin. If a program, policy or activity is determined to have a disparate impact on minority populations that program, policy or activity may only be carried out if (1) Metro can demonstrate a substantial legitimate justification for the program, policy or activity; (2) there are no comparably effective practices that would result in less disparate impacts; and the justification for the program, policy or activity is not a pretext for discrimination.

#### **Service Change Application**

Disparate impacts will be deemed to exist if a service change creates a 20% or greater negative impact on travel time, walking distance or cost of taking a trip for routes determined to be Title VI, than for services that are not determined to be Title VI routes.

#### **Fare Change Application**

If the cost of a specific fare product that has been determined to be disproportionately used by Title VI populations is increased at a rate more than 20 percent higher than those fare products not disproportionately used by Title VI populations it shall be considered to have disparate impact (unless caused by rounding to the nearest \$0.05). For other fare system changes such as, but not limited to; eliminating a fare or product, increasing a fee or changing the availability of a

## Attachment #6

specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disparate impacts.

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## **Environment Justice Definitions and Application**

### **1. Disproportionately High and Adverse Effect**

#### **Definition**

Applies when an effect is predominantly borne by a minority population and/or a low income population or when these populations will suffer an adverse effect on human health or the environment in an appreciably more severe or greater magnitude than the non-minority or non-low income population. Disproportionately high and adverse programs, policies or activities may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is practicable, the social, economic and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

#### **Service Change Application**

Disproportionately high and adverse impacts will be deemed to exist if results of the service change create a 20 percent or greater negative impact on travel time, walking distance or cost of taking a trip for services determined to be Environmental Justice (EJ) routes than for services that are not EJ routes, and there are no mitigating or offsetting benefits. If there are no services that are not EJ routes, any change that results in a 20 percent or greater negative impact compared to the original service shall be deemed to have a disproportionately high and adverse impact.

In order to determine if there are mitigating or offsetting benefits Metro shall consider additional factors in addition to travel time, walking distance, and cost. These could include but are not limited to improved schedule reliability, increased station or stop amenities, more seating or on board space, and fewer transfers.

#### **Fare Change Application**

If the cost of a specific fare product that is disproportionately used by EJ populations is increased at a rate more than 20 percent higher than the increase in the Consumer Price Index (since the last fare increase) it shall be considered to have a disproportionately high and adverse effect. For other fare system changes such as, but not limited to; eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disproportionate high and adverse effects.

## **Title VI Equity Analysis Methodology for New Fixed Guideway Projects**

### **1. Introduction**

A service and fare equity analysis shall be conducted for all new fixed guideway projects or acquisitions of equipment or facilities for new fixed guideway projects. The analysis shall be completed prior to signing a funding agreement with the Federal government or prior to the start of preliminary engineering or issuing of solicitations for locally funded new guideway projects. The equity analysis is required to determine if the project would create a disparate impact on Title VI protected populations (minorities). This analysis shall be conducted even if the proposed changes as a result of the project do not rise to the level of a major change as defined by Metro in Administrative Code section 2-50-10. Metro shall conduct this analysis for all projects that will ultimately be operated by Metro, regardless of which agency may be responsible for building the project.

### **2. Determination of Title VI (Minority) Status**

Metro will create maps to show the census tracts or traffic analysis zones with the demographic characteristics of service area impact by the proposed change. Metro will use the most recent Federal census data to prepare the maps. The determination of which census tracts or traffic analysis zones are identified as Title VI (minority) shall be based on:

- A census tract or block group where the percentage of the total minority population residing within the tract or block group exceeds the average minority population for the entire service area shall be deemed to be a minority census tract.
- A census tract or block group where the percentage of the combined low income and minority population residing within the tract or block group exceeds the average combined low income and minority population for the entire service area shall be deemed to be an EJ census tract.

The maps will only include those portions of a census tract or traffic zone that are within  $\frac{1}{4}$  of a mile of a planned transit stop or station, or within 3 miles of a stop or station that includes park and ride facilities. Metro will overlay these maps with the routing and stops/stations of the services to be increased, eliminated, or added. Aerial images will be used to eliminate from consideration areas without resident populations including but not limited to parks, open space, and commercial and industrial uses.

A route will be considered to be a minority route if at least 50 percent of the projected ridership of the proposed stops/stations occur within census tracts identified as being minority. If the route is a minority route a service and fare equity (if there will be a fare change) analysis shall be conducted

If the proposed service is not a minority route no further analysis is required and a final report will be prepared and provided to the Board of Directors for consideration. A copy will be sent to the FTA together with a record of the discussion and action at the Board of Directors.

### **3. Service Equity Analysis**

The service equity analysis shall include a comparative analysis of service levels including, travel time, access (walking) distance and cost. The analysis will include a comparison of service levels before and after the project is built and include both reductions and increases in service. All transit services expected to be affected by the new guideway project will be included. The results will be presented in tabular form. It is possible for the cost of a trip to increase without a fare change. For example, if a trip that is now available with a one seat ride requires a transfer the new one way cash fare could cost twice as much as before the new guideway service.

For each proposed change the travel time (including average wait time), walking distance, and cost, should be calculated and compared with the travel time, walking distance, and cost of the existing service. Any service level change analysis shall be expressed as a percent change in tabular form. Disparate impacts will be deemed to exist if results of the service change create a 20% or greater negative impact on travel time, walking distance or cost of taking a trip without any mitigating or offsetting benefits. The offsetting and mitigating factors must be documented using percent change or percent improvement.

### **4. Fare Equity Analysis**

If the proposed new guideway project will include a fare that is different in any respect from the fare paid by passengers using transit services presently in operation a fare equity analysis will be required. The equity analysis will be conducted to compare the new fares with existing fares. The analysis will only include passengers who are projected to switch from the existing services to the new fixed guideway services. If there is no plan to require a different fare than the existing service an equity analysis is not required.

The first step is to determine if the fare product or fare media being changed is a product that is disproportionately used by Title VI populations. This is accomplished through an examination of onboard survey data that identifies the minority status or income of passengers using Metro services by fare product. For each fare type or media being considered for change the percentage of Title VI users shall be identified and compared to the system wide percentage of Title VI riders. The results shall be presented in tabular form. The analysis will show the percentages of Title VI, and other riders separately by each fare or media type and system wide.

An estimate must be done to determine what percentage of the Title VI riders on the existing services would be forecast to change to the new guideway system and what new fare they would be paying. If more than 20 percent of the existing Title VI riders change to the new guideway system, and if the fare change for these Title VI passengers is a 20% greater increase than the increase in fare paid by non-Title VI riders also who switch to the new service a disparate impact exists. However if there are mitigating and offsetting benefits such as reduced travel time, more amenities or less crowded conditions they should be documented.

### **5. Final Report**

A final report will be prepared for the Board of Directors consideration. The report will identify any effects on Title VI riders of the new guideway project. If the recommended alternative includes Disparate Impacts on Title VI protected populations Metro staff will determine if the change meets either of the following tests:

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- 5.1 There is substantial legitimate justification for the capital project by meeting a goal that is integral to the mission of Metro; or
- 5.2 The alternatives would have a more severe adverse effect on Title VI protected populations than the planned project

A copy of the minutes of the Board of Directors meeting where the Guideway Equity report was considered will be submitted to the FTA along with a copy of the report.

# **Title VI and Environmental Justice Equity Analysis**

## **Methodology for Fare Changes**

### **1. Introduction**

This analysis will be conducted by Metro for all fare changes or changes to fare media rules, fees or eligibility, or to the availability of fare media. This includes changes that are permanent, temporary, promotional, or experimental. In order to address the mandates in Title VI of the Civil Rights Act of 1964, as well as the Environmental Justice (EJ) provisions in Presidential Executive Order 12898, the fare equity analysis will evaluate minority (Title VI protected classes) as well as EJ populations (persons who are either members of a protected minority or persons with incomes below 100% of the Federal Poverty Level).

### **2. Determination of Minority or EJ Status**

The first step is to determine if the fare product or fare media being changed is a product that is disproportionately used by Title VI or EJ populations. This is accomplished through an examination of onboard survey data that identifies the minority status or income of passengers using Metro services by fare product. For each fare type or media being considered for change the percentage of minority or EJ users shall be identified. The number of Title VI riders shall be compared to the system wide percentage of Title VI. The results shall be presented in tabular form. The analysis will show the percentages of Title VI, EJ and other riders separately by each fare or media type and system wide.

The fare product being changed shall be considered to be disproportionately used by Title VI populations if the percentage of Title VI users is at least 20 percent more than the system wide average of Title VI. A fare product being changed shall be considered to be disproportionately used by EJ populations if the percentage being used is at least 20 percent more than the system wide average of EJ users (either minority or low income). A full equity analysis shall be conducted if there is a disproportionate use by Title VI or EJ populations. If no further analysis is required a final report can be prepared and presented to the Board of Directors for consideration.

### **3. Determine Title VI Disparate Impacts or EJ Disproportionately High and Adverse Effects**

#### **3.1 Disparate Impacts on Title VI Populations**

If the fare products being changed are used disproportionately by Title VI populations Metro will determine if any of the proposals or alternatives would have the effect of disproportionately excluding or adversely affecting people based on race, color or national origin and thereby create a disparate impact. Alternatives may include other existing fares or new fare options. If the cost of a specific fare product that has been determined to be disproportionately used by Title VI populations is increased at a rate more than 20 percent higher than the in fare products not

disproportionately used by Title VI populations it shall be considered to have disparate impact (unless caused by rounding to the nearest \$0.05). For other fare system changes such as, but not limited to; eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disparate impacts.

### 3.2 Disproportionately High and Adverse Effects on EJ Populations

If the fare products being changed are used disproportionately by minorities or low income groups, Metro will determine if any of the proposals or alternatives would have a disproportionately high and adverse affect on these EJ populations. Alternatives may include other existing fares or new fare options. If the cost of a specific fare product that has been determined to be disproportionately used by EJ populations is increased at a rate more than 20 percent higher than the increase in fare products not disproportionately used by EJ populations, it shall be considered to have a disproportionately high and adverse effect. If there are no fare products used by populations that are non EJ the fare increase shall be compared against the increase in the Consumer cost of living over the period since the last fare change. For other fare system changes such as, but not limited to; eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disproportionate high and adverse effects.

### 3.3 Results

If there are no Disparate Impacts on Title VI populations, and no Disproportionately High and Adverse Effects on EJ populations, for the preferred fare alternative no further analysis is required. A final report shall be prepared and presented for consideration to the Board of Directors. A copy of the minutes of the Board of Directors meeting where the Fare Equity report was considered will be submitted to the FTA along with a copy of the report. If there are Disparate Impacts for Title VI populations the planning process must continue to the next step.

If there are disproportionately high and adverse effects on EJ populations but there are sufficient offsetting benefits or mitigations, the changes may be implemented. The proposed service changes may also proceed if it is found that further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects on EJ populations are not practicable. No further analysis or action is required for EJ populations. The conclusions regarding EJ populations can be integrated into the final report for Board consideration.

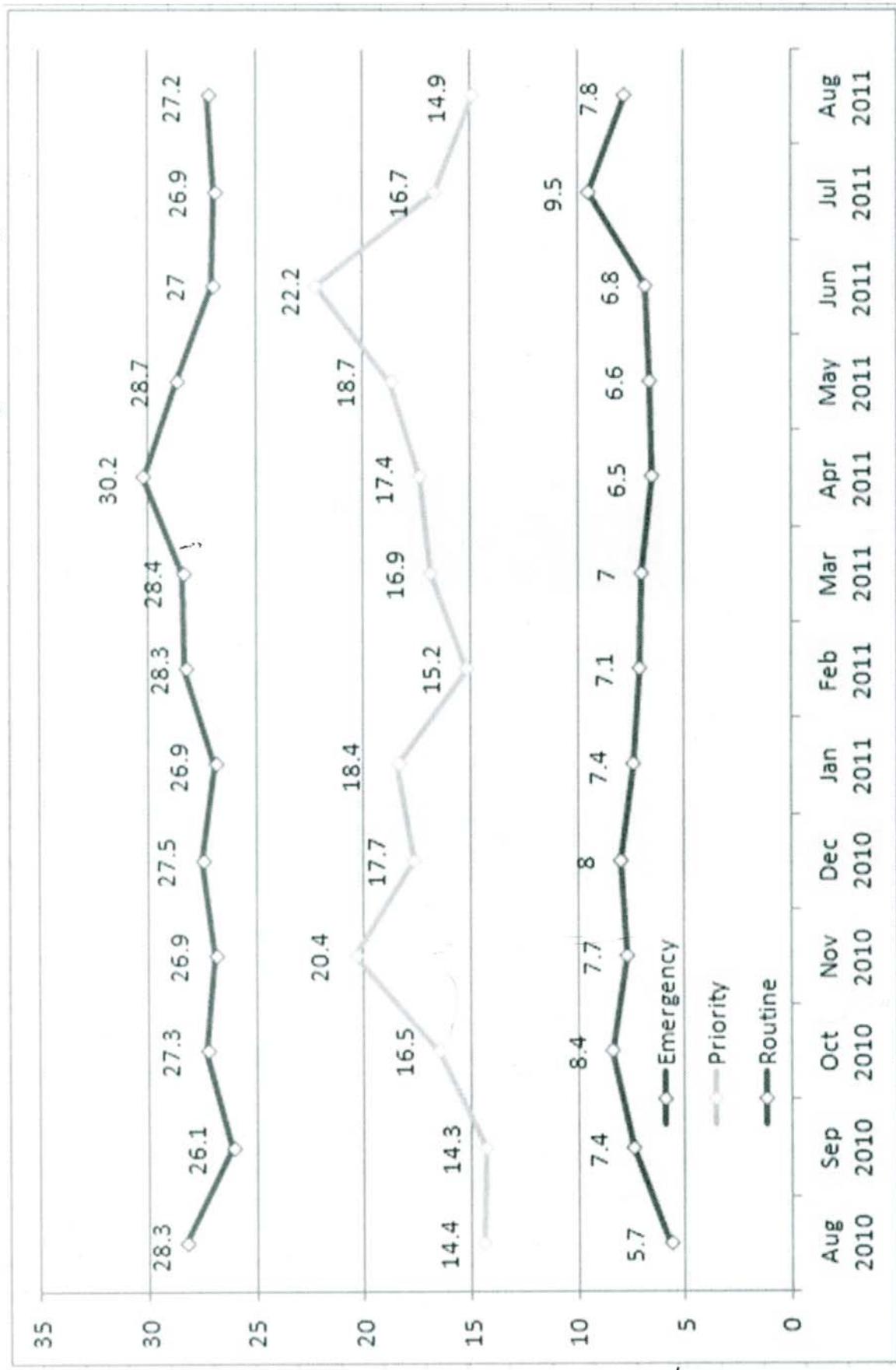
## 4. Title VI Disparate Impacts Analysis

A final report will be prepared for the Board of Directors consideration. The report will identify which alternative fare change is recommended for implementation. The report will discuss if there is a less discriminatory alternative that would still accomplish Metro's program objective. If the recommended alternative includes Disparate Impacts on Title VI protected populations Metro staff will determine if the change meets either of the following tests:

- 4.1 There is substantial legitimate justification for adopting the proposed fare change by meeting a goal that is integral to the mission of Metro; or
- 4.2 The alternatives would have a more severe adverse effect on Title VI protected populations than the preferred alternative

A copy of the minutes of the Board of Directors meeting where the Fare Equity report was considered will be submitted to the FTA along with a copy of the report.

## 2011 YTD REVIEW OF RESPONSE TIMES (MINUTES)



## AUGUST 2010-AUGUST 2011 REVIEW OF RESPONSE TIMES

